

REMARKS

In an Office Action mailed on March 27, 2003, an objection was made to the title; claims 21-27 were rejected under 35 U.S.C. § 101; claims 1-12 and 16-20 were rejected under 35 U.S.C. § 102(e); and claims 13-15 and 21-27 were rejected under 35 U.S.C. § 103(a). The title has been amended to overcome the objection to the title. The §§ 101, 102 and 103 rejections are addressed below.

§ 101 Rejections of Claims 21-27:

The Examiner rejects claims 21-27 under 35 U.S.C § 101. In particular, the Examiner contends that, "these claims are rejected as being directed to non-statutory subject matter." In support of this conclusion, the Examiner states that the "entity" and "controller" of claim 21 are capable of being either software-based or hardware-based. Furthermore, the Examiner concludes that because the specification allegedly fails to teach whether the "entity" and "controller" are software-based or hardware-based, claims 21-27 fail to define statutory subject matter.

The Examiner fails to establish a proper basis for the § 101 rejections. Applicant agrees that claim 21 is broad enough to cover the entity being either software-based or hardware-based; and claim 21 is broad enough to cover the computer peripheral device (the former "entity") as being either a software-based device or a hardware-based device. However, regardless of the scope of claim 21, the breadth of claim 21 is not determinative whether claim 21 is directed to non-statutory subject matter. Thus, regardless of whether these claim limitations may be implemented in software, hardware or a combination of two, claim 21 is directed to statutory subject matter. In other words, claim 21 is not directed to a mathematical expression, mental steps or any other non-statutory subject matter.

Thus, because the Examiner fails to establish a proper basis for the § 101 rejections of claims 21-27, withdrawal of these rejections is requested.

Rejections of Claims 1-5:

As amended, the method of claim 1 is for use in a device that is coupled to a communications channel. The method includes determining a security service to perform with a data block and generating security information to pass along with the data block. The security information identifies the security service. The method of claim 1 also recites processing in a

computer peripheral device that is adapted to control communication with the communications channel, the data block according to the security information.

Contrary to the limitations of amended claim 1, Nikander neither teaches nor suggests processing, in a computer peripheral device adapted to control communication with a communications channel, a data block according to security information that is passed along with the data block. More specifically, Nikander teaches a data processing system 600 or a gateway device 650 to perform IPSEC processing. Referring to the text in lines 15-41 in column 9 of Nikander and to Figures 6a and 6b to which this text refers, Nikander teaches that a TCP/IP adapter 601, 651 or 652 communicates with a network. Nikander also discloses that a core memory 604 stores a packet interceptor and IPSEC engine for either the data processing system 603 or the gateway device 650. *See, for example*, Nikander, 9:28-33. Thus, it is clear from a reading of Nikander that the security processing is performed by the CPU 603 and not by a computer peripheral device. Therefore, for at least this reason, Nikander fails to teach all limitations of independent claim 1, and withdrawal of the § 102 rejections of claims 1-5 is requested.

Rejections of Claims 6 and 7:

As amended, the method of claim 6 is for use in a device that includes a computer peripheral device that is adapted to control communication with a transport medium. The method includes sending data to the computer peripheral device to perform cryptographic processing of the data.

Contrary to the limitations of claim 6, Nikander neither teaches nor suggests sending data to a computer peripheral device for cryptographic processing. Instead, Nikander teaches that the CPU 603 performs IPSEC processing. Nikander neither teaches nor suggests a computer peripheral device to perform this processing. Therefore, for at least this reason, Nikander fails to teach all limitations of independent claim 6. Therefore, withdrawal of the § 102 rejections of claims 6 and 7 is requested.

Rejections of Claims 8-10:

As amended, the method of claim 8 is for use in a device that includes a computer peripheral device that is adapted to control communication with a transport medium. The technique includes performing, in the computer peripheral device, the cryptographic processing of the data. See discussion of claim 6 above. In particular, Nikander neither teaches nor suggests a computer peripheral device to perform cryptographic processing of data. Therefore, for at least this reason, Nikander fails to teach all limitations of claim 8. Therefore, withdrawal of the § 102 rejections of claims 8-10 is requested.

Rejections of Claims 11-12:

The article of claim 11 includes instructions that when executed cause a system to prepare security control information to pass along with data to a computer peripheral device to perform processing according to an identified security service.

Contrary to the limitations of amended claim 11, Nikander neither teaches nor suggests instructions when executed by a system to cause security control information to pass along with data to a computer peripheral device to perform processing according to an identified security service. Instead, the CPU 603 of Nikander performs IPSEC processing, not a computer peripheral device. Therefore, for at least this reason, Nikander fails to teach all limitations of independent claim 11. Therefore, withdrawal of the § 102 rejections of claims 11 and 12 is requested.

Rejections of Claims 13-15:

The article of claim 13 includes instructions that when executed cause a system to determine if a security service has been performed on a data block by a computer peripheral device.

Contrary to the limitations of amended claim 13, Nikander neither teaches nor suggests instructions to cause a system to determine whether a security service has been performed on a data block by a computer peripheral device. Instead, the CPU 603, and not a computer peripheral device, performs IPSEC processing of data. Therefore, Nikander would neither teach

nor even suggest instructions to cause a system to determine whether a security service has been performed by a computer peripheral device. Claims 14 and 15 are patentable for at least the reasons that these claims depend from an allowable claim.

Rejections of Claims 16-20:

As amended, the controller of claim 16 includes a cryptographic engine that is a computer peripheral device.

Contrary to the limitations of amended claim 16, Nikander neither teaches nor suggests a cryptographic engine that is a computer peripheral device. In this manner, the CPU 603 performs IPSEC processing, not a computer peripheral device. Thus, for at least this reason, Nikander fails to teach all limitations of independent claim 16. Claims 17-20 are patentable for at least the reason that these claims depend from an allowable claim.

Rejections of Claims 21-27:

As amended, the device of claim 21 includes a computer peripheral device that is adapted to modify data according to a security protocol before transmitting the data to a communications channel.

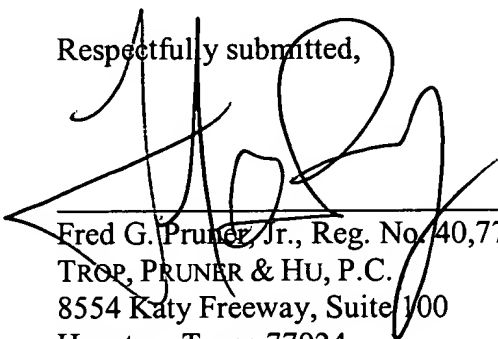
Contrary to the limitations of amended claim 21, Nikander neither teaches nor suggests a computer peripheral device to modify data according to a security protocol. Therefore, for at least this reason, Nikander fails to teach all of the limitations of independent claim 21. Claims 22-27 are patentable for at least the reason that these claims depend from an allowable claim.

CONCLUSION

In view of the foregoing, withdrawal of the §§ 101, 102 and 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0182US).

Respectfully submitted,

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